

HONORABLE BARBARA J. ROTHSTEIN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WSOU INVESTMENTS LLC d/b/a BRAZOS
LICENSING AND DEVELOPMENT, a
Delaware limited liability company,

Plaintiff,

v.

F5 NETWORKS, INC., a Washington
Corporation,

Defendant.

No. 2:20-cv-01878-BJR
No. 2:21-cv-00124-BJR
No. 2:21-cv-00125-BJR
No. 2:21-cv-00126-BJR

**JOINT MOTION TO MODIFY
SCHEDULING ORDER**

Pursuant to LCR 16(b)(6), Plaintiff WSOU Investments LLC d/b/a Brazos Licensing and Development (“WSOU” or “Plaintiff”) and Defendant F5 Networks, Inc. (“F5” or “Defendant”) (collectively, “Parties”), by and through their undersigned counsel, hereby jointly move the Court to modify its April 26, 2021 Order on Motion to Modify Order Setting Trial Dates and Related Dates (No. 2:20-cv-01878-BJR, Dkt. 64; “Scheduling Order”), which sets forth the current case schedule for the above-captioned actions. The Parties’ requested modifications and good cause basis for these modifications are identified below.

A. Basis for Proposed Modifications

Under the current Scheduling Order, fact discovery is scheduled to close in just four weeks, on January 6, 2021, right after the winter holidays. However, in light of the Parties’ ongoing fact

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CORR CRONIN LLP
1001 Fourth Avenue, Suite 3900
Seattle, Washington 98154-1051
Tel (206) 625-8600
Fax (206) 625-0900

1 discovery disputes, the status of fact discovery, and the limited time remaining in the fact discovery
2 period, the parties seek a 60-day extension of the close of fact discovery, as well as corresponding
3 extensions of subsequent case deadlines. Document production is still ongoing and the parties still
4 have a number of fact depositions to take.

5 Compounding these hurdles, the next four weeks include (i) the winter holidays, during
6 which fact witnesses, outside counsel, and in-house counsel for both sides will have limited
7 availability, and (ii) the *Markman* hearing on December 22, 2021, which will require significant
8 time and attention from the Parties.

9 The Parties' proposed schedule modifications adjust the fact discovery period by 60 days
10 (from January 6, 2022 to March 7, 2022), and provide proportional extensions of all subsequent
11 case deadlines, including the trial date. There is good cause for these adjustments in light of the
12 Parties' ongoing fact discovery disputes, the current status of fact discovery, and the limited time
13 remaining for fact discovery, as summarized above.

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Tel (206) 625-8600
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B. Proposed Revised Schedule

The chart below identifies the Parties' proposed revisions to the case schedule to account for the issues identified above:

Event	LPR	Scheduling Order (Dkt. 64)	Joint Modification Proposal
<i>Markman</i> hearing	LPR 135 (as ordered by the Court)	December 22, 2021	No change
Discovery completed by [Close of Fact Discovery]		January 6, 2022	March 7, 2022
Reports from expert witnesses under FRCP 26(a)(2) due [Opening Expert Reports]		February 3, 2022	April 4, 2022
Rebuttal Expert Reports		March 3, 2022	May 2, 2022
Close of Expert Discovery		March 17, 2022	May 20, 2022
All dispositive and <i>Daubert</i> motions must be filed by		April 7, 2022	June 9, 2022
Oppositions to dispositive and <i>Daubert</i> motions		April 28, 2022	June 30, 2022
Replies in support of dispositive and <i>Daubert</i> motions		May 12, 2022	July 14, 2022
All motions <i>in limine</i> must be filed by		August 1, 2022	September 30, 2022
Joint Pretrial Statement		August 8, 2022	October 7, 2022
Oppositions to Motions in Limine (no replies authorized unless ordered otherwise by the Court)		August 15, 2022	October 14, 2022
Pretrial conference		August 22, 2022	October 31, 2022, subject to the Court's approval
Jury Trial (7 days)		August 29, 2022	November 7, 2022, subject to the Court's approval

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CORR CRONIN LLP
1001 Fourth Avenue, Suite 3900
Seattle, Washington 98154-1051
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Fax (206) 625-0900

C. Consolidated Case Schedule

The Parties also request confirmation that the Court's schedule applies to all four cases identified below. (See Dkt. 60, Part 5.C.)

	Case Caption	Patent-in-Suit	Accused Product
1	<i>WSOU Investments, LLC d/b/a Brazos Licensing and Development v. F5 Networks, Inc.</i> , Case No. 2:21-cv-01878-BJR	U.S. Patent No. 7,953,884	BIG-IP Policy Enforcement Manager
2	<i>WSOU Investments, LLC d/b/a Brazos Licensing and Development v. F5 Networks, Inc.</i> , Case No. 2:21-cv-00124-BJR	U.S. Patent No. 9,584,330	BIG-IP Policy Enforcement Manager
3	<i>WSOU Investments, LLC d/b/a Brazos Licensing and Development v. F5 Networks, Inc.</i> , Case No. 2:21-cv-00125-BJR	U.S. Patent No. 8,248,940	BIG-IP Policy Enforcement Manager
4	<i>WSOU Investments, LLC d/b/a Brazos Licensing and Development v. F5 Networks, Inc.</i> , Case No. 2:21-cv-00126-BJR	U.S. Patent No. 7,548,945	BIG-IP DNS

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CORR CRONIN LLP
1001 Fourth Avenue, Suite 3900
Seattle, Washington 98154-1051
Tel (206) 625-8600
Fax (206) 625-0900

DATED this 13th day of December, 2021.

PERKINS COIE LLP

CORR CRONIN LLP

By: Ramsey M. Al-Salam (via email authorization)

By: s/ Eric A. Lindberg

Ramsey M. Al-Salam, WSBA No. 18822
Stevan R. Stark, WSBA No. 39639
PERKINS COIE LLP
1201 Third Avenue, Suite 4900
Seattle, WA 98101-3099
Telephone: (206) 359-8000
RAISalam@perkinscoie.com
SStark@perkinscoie.com

Blake Marks-Dias, WSBA No. 28169
Eric A. Lindberg, WSBA No. 43596
1001 Fourth Avenue, Suite 3900
Seattle, WA 98154
(206) 625-8600 Phone
(206) 625-0900 Fax
bmarks-dias@correronin.com
elindberg@correronin.com

Stephen E. Baskin
(Pending *pro hac vice*)
sbaskin@kslaw.com
KING & SPALDING LLP
1700 Pennsylvania Avenue, NW
2nd Floor
Washington, DC 20006-4707
Telephone: (202) 626-2938

Jonathan K. Waldrop (Admitted *pro hac vice*)
jwaldrop@kasowitz.com
Darcy L. Jones (Admitted *pro hac vice*)
djones@kasowitz.com
Marcus A. Barber (Admitted *pro hac vice*)
mbarber@kasowitz.com
John W. Downing (Admitted *pro hac vice*)
jdowning@kasowitz.com
Heather S. Kim (Admitted *pro hac vice*)
hkim@kasowitz.com
Jack Shaw (Admitted *pro hac vice*)
jshaw@kasowitz.com
ThucMinh Nguyen (Admitted *pro hac vice*)
tnguyen@kasowitz.com
KASOWITZ BENSON TORRES LLP
333 Twin Dolphin Drive, Suite 200
Redwood Shores, California 94065
Telephone: (650) 453-5170

D. Shane Brun
(Pending *pro hac vice*)
sbrun@kslaw.com
KING & SPALDING LLP
601 California Avenue, Suite 100
Palo Alto, CA 94304
Telephone: (415) 318-1245

Paul G. Williams (Admitted *pro hac vice*)
pwilliams@kasowitz.com
KASOWITZ BENSON TORRES LLP
1230 Peachtree Street N.E., Suite 2445
Atlanta, Georgia 30309
Telephone: (404) 260-6080

Angela Tarasi
(Pending *pro hac vice*)
atarasi@kslaw.com
KING & SPALDING LLP
1400 16th Street
16 Market Square
Suite 400
Denver, CO 80202
Telephone: (720) 535-2319

Attorneys for Plaintiff

Attorneys for Defendant

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CORR CRONIN LLP
1001 Fourth Avenue, Suite 3900
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ORDER

IT IS SO ORDERED.

DATED this 16th day of December, 2021.



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CORR CRONIN LLP
1001 Fourth Avenue, Suite 3900
Seattle, Washington 98154-1051
Tel (206) 625-8600
Fax (206) 625-0900

CERTIFICATE OF SERVICE

I hereby certify that on December 13, 2021, I caused the foregoing document to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

s/ Christy A. Nelson

Christy A. Nelson

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CORR CRONIN LLP
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Seattle, Washington 98154-1051
Tel (206) 625-8600
Fax (206) 625-0900